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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES - GENERAL**

Case No.	SACV 11-01296 AG (ANx)	Date	August 31, 2011
Title	TAN X. TRINH V. DRAGOMIT DRAGOVIC, ET AL.		

Present: The Honorable	ANDREW J. GUILFORD
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Lisa Bredahl	Not Present	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	

Proceedings: [IN CHAMBERS] ORDER REMANDING CASE

On June 7, 2011, Plaintiff Tan X. Trinh ("Plaintiff") filed this case in state court for unlawful detainer. About one week later, Defendant Richard Mendez ("Defendant") filed a Notice of Removal, which removed this case from state to federal court. The Court then remanded the case to state court. Now Defendant files a second Notice of Removal. For the reasons that follow, the Court again REMANDS the case to state court.

Plaintiff's Complaint states a simple state cause of action for unlawful detainer. Defendant's Notice of Removal argues that federal jurisdiction is proper. But a review of the Complaint makes clear that Defendant's argument fails. The Complaint does not rely on any federal law, so Defendant has not demonstrated a basis for federal jurisdiction. *See* 28 U.S.C. § 1441(a); *Syngenta Crop Prot., Inc. v. Henson*, 537 U.S. 28, 33 (2002) ("Under the plain terms of § 1441(a), in order properly to remove [an] action pursuant to that provision, [defendants] must demonstrate that original subject-matter jurisdiction lies in the federal courts.").

Further, in unlawful detainer actions, "[s]peedy adjudication is desirable to prevent

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subjecting the landlord to undeserved economic loss and the tenant to unmerited harassment and dispossession when his lease or rental agreement gives him the right to peaceful and undisturbed possession of the property.” *Lindsey v. Normet*, 405 U.S. 56, 73 (1972). Improper removal of unlawful detainer cases harms the concerns stated in *Lindsey*.

Defendant has already been cautioned not to improperly seek federal jurisdiction, particularly for delay. Further attempts to remove this case may result in sanctions.

In sum, Defendant fails to establish that federal jurisdiction exists over this case. Thus, the case is REMANDED to Orange County Superior Court.

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Preparer lmb